

## **Protecting the rights of migrants in vulnerable situations and in large movements**

Second GMG multi-stakeholder meeting in preparation for the High-level Plenary Meeting of the General Assembly on addressing large movements of refugees and migrants

Excellencies,  
Distinguished participants,  
Ladies and gentlemen,

I wish to thank all of you for attending today's meeting on the important topic of protection of the rights of migrants in vulnerable situations and in large movements.

Migration is an age-old phenomenon that has enriched societies across the globe from time immemorial. In an ever more complex world faced with multi-faceted threats, migration can remain a key factor supporting development, provided that it is well managed.

Well thought-through and rounded migration management strategies can effectively support States' efforts to balance further economic and social development with ensuring the political stability and security of their territory and of their population. The positive role of migration; the promotion of peaceful and inclusive societies for sustainable development; and the need to facilitate orderly, safe, regular and responsible migration are all highlighted in the 2030 Agenda for Sustainable Development, adopted by the General Assembly in 2015.

But there is another side of the story, a story in which migration is not facilitated in such ways and criminals seize the opportunity to make a business out of other people's needs, hopes and

desperation. At UNODC, we are particularly concerned with this side of the story, which regards the threats posed by organized crime to the global peace and security agenda, their impact on society, justice and to people's fundamental rights.

We have seen in recent years an increase in both interest and activity of criminal groups in facilitating irregular migration. They are not doing it out of compassion and humanity. They smuggle migrants and refugees to exploit human desperation, the lack of alternative ways for ordinary people to better their lives or to provide a safe haven for their families.

Criminal groups engage in the smuggling of people for the money and the assets this activity generates. People are treated, smuggled and sold as if they were mere commodities instead of human beings. Case law and investigations have shed light on patterns and modus operandi of smugglers and the inhuman conditions in which migrants are crowded and transported, and, in too many occasions, end with a loss of life.

Ladies and gentlemen,

It is time to act and address the involvement of organized crime in the facilitation of irregular migration, and include measures to this effect in comprehensive migration strategies. The framework to achieve this goal already exists and it is provided by the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime, which seeks to prevent and combat migrant smuggling, promote cooperation to this end and protect the rights of smuggled migrants. The protocol has been ratified, to date, by 142 States parties.

To enable such, the Protocol requires States Parties to make migrant smuggling a criminal offence while protecting the rights of smuggled migrants, especially those vulnerable among them that

need special protection, such as women and children, refugees, and victims of crime.

The Smuggling of Migrants Protocol is a criminal justice response to organised crime and its scope is to prosecute criminals while restoring, to the extent possible, the *status quo ante* for people who are the object of this crime. The Protocol is clear that the offenders are not the smuggled migrants themselves, but rather the organized criminal groups behind the smuggling operations.

If there is one lesson to draw from the past few years, it is that countries cannot solve these issues alone. Improved international cooperation in criminal justice matters can lead to the dismantling of criminal networks and secure justice for those people who lost family members in perilous journeys and/or whose human rights have been violated. Tools provided to this end by the UNTOC and its protocols to increase cooperation in criminal justice matters address technical assistance, law enforcement cooperation, mutual legal assistance, information sharing and prevention.

Smugglers prey on desperate people who would sell everything they and their family own, and even indebt themselves to flee their country. The actions of organized crime groups can deeply impact society in origin countries by impoverishing whole communities. This is why migration management strategies must include prevention measures that address the socio-economic root causes of migration, such as poverty and under development.

For a prevention strategy to be effective, it needs to fully incorporate measures that would encompass holistic and equitable sustainable development in the countries of origin. The Sustainable Development Goals duly recognise this. While calling for reducing poverty and increasing resilience, the SDGs also call for reducing violence and ensuring broader political participation and access to justice.

Successful migration management strategies go beyond border management. They address the actual needs of the countries of destination for manpower, and their education and integration capacity. Successful strategies offer legal and safe pathways for refugees and migrants, so that they are not left in the hands of criminal networks and embark on perilous journeys. A direct effect of the existence of legal channels of migration is the diversion of criminal networks away from the smuggling business that becomes less profitable through demand reduction.

In turn, migrants become less exposed to abuse and exploitation during their journey and at destination. The risk of entering into debt bondage decreases and, instead of paying high fees to smugglers, migrants are in a position to make a better start in the destination country and retain their families' property and assets back home. In the medium to long term, this can contribute to the development of society in both the receiving country and the origin country, which, in turn, may benefit remittances and create opportunities and encourage growth at the local level.

This is why UNODC believes that for a response to migration, and, in particular, to migrant smuggling and human trafficking, to be effective, it must be framed within this more expansive and comprehensive context of the development and the human rights debate.

Migration is a human reality that brings challenges to countries all over the world and ongoing discussions regarding possible solutions to address the large movement of migrants and refugees. The integrated and comprehensive response required by the Smuggling of Migrants Protocol must be founded on the principle of shared responsibility, with the engagement of the whole of the international community. To this effect, UNODC stands ready to provide support to all countries in their efforts to protect migrants,

as rights holders, and tackle organized crime to ensure the successful development of a just society and the protection of the fundamental rights for all victims of all crimes.

Thank you for your attention.